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LEGISLATIVE ASSEMBLY OF
THE PROVINCE OF ALBERTA

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MAY 1 1984
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REPORT OF THE SPECIAL COMMITTEE TO SEARCH FOR AND SELECT AN OMBUDSMAN

May 1984

This report is structured as follows:

A. Authority;

B. Selection Process;

C. Successful Candidate; and,

Appendix I

Appendix II

REPORT OF THE SPECIAL COMMITTEE TO SEARCH FOR AND SELECT AN OMBUDSMAN - May 1984

A. AUTHORITY

On November 21, 1983, the Legislative Assembly of Alberta passed a motion appointing a Special Committee for the purpose of inviting applications for the position of Ombudsman and to recommend to the Assembly the applicant it considered most suitable for appointment to that position.

The Committee was composed of the following members:

Chairman:	Dr. David Carter, M.L.A. (Calgary Egmont)
Vice-Chairman:	Mr. Bud Miller, M.L.A. (Lloydminster)
Members:	Mr. Al Hiebert, M.L.A. (Edmonton, Gold Bar)
	Mr. Grant Notley, M.L.A. (Spirit River/Fairview)
	Mr. John Thompson, M.L.A. (Cardston)

The Committee met on 19 occasions including business meetings and meetings for personal interviews and was able to reach a unanimous decision on April 18, 1984.

I would like to extend my sincere thanks to the members of the Committee whose diligence, co-operation and commitment to this important task was evident throughout the search and selection process.

In addition, I wish to acknowledge the work of Dr. David McNeil, Mr. Drew Johnston and Mrs. Linda Sikora, Management Services Division, Personnel Administration Office, and Mrs. Mary Davidson, Secretary to the Committee.

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B. PROCESS OF SELECTION

1. In its initial meetings, the Committee mapped out its plans and schedule and was able to obtain support staff from the Assembly, and from the Personnel Administration Office, to assist them in the search and selection process.

A number of documents were developed for and approved by the Committee in its initial meetings to aid in the search and selection process. Appendix I includes:

Position Profile;

Person Profile;

Copy of Advertisement; and,

Committee Budget

The Position Profile and advertisment became part of the brochure used in advertising the position (Appendix I).

The advertising approach contained a specific appeal to Albertans through advertising in all provincial daily and community papers and a national appeal through advertising in major national and provincial dailies. The majority of advertising appeared during the second week of January 1984.

In addition, letters were sent to various groups in the province advising them of the competition for the position of Ombudsman.

2. After the appearance of the advertisment, a number of Committee meetings were spent reviewing the applications to decide on which individuals most closely met the advertised requirements.

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Because of the volume of applications and the difficulties of time and distance, the Committee assigned the support staff to conduct preliminary interviews with those candidates it had identified for further consideration.

The support staff produced detailed reports on each candidate subject to a preliminary interview. The Committee reviewed the interview reports and resumes and decided which candidates they wished to invite to a personal interview.

3. Resumes were received from 398 candidates, of which 301 were Albertans. Preliminary interviews were conducted with 47 candidates and 24 candidates were selected for final interview by the Committee. At appropriate intervals all unsuccessful candidates were informed in writing and thanked for their applications.

4. The Committee met for interviews on ten occasions between March 5 and April 5, 1984.

On the basis of personal interviews, the candidates were ranked according to the extent to which they appeared to meet the selection criteria and on this basis a short list of candidates was identified. The support staff then conducted reference checks on the short listed candidates. After review of all information available on the short listed candidates, the Committee identified three candidates for final interview.

5. The Committee met with the three final candidates on April 18th, 1984 for second, personal interviews. After completion of these interviews, the Committee reviewed all information on the finalist candidates and unanimously agreed that Mr. Brian Sawyer should be recommended to the Assembly as the third Ombudsman of Alberta. Mr. Sawyer was then contacted and indicated he would accept.

6. The proposed budget for the Committee totalled $83,500. However, through careful stewardship, the final costs were $39,867.17 as of April 30, 1984, an amount substantially less than the budget estimate.

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C. Successful Candidate

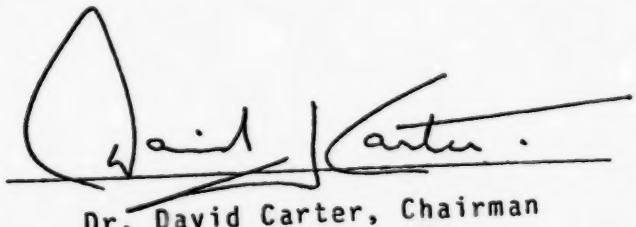
Mr. Brian Sawyer was selected by the Special Committee as the recommended candidate for the position of Ombudsman on April 18, 1984 and his appointment, if approved by the Assembly, will be effective September 1, 1984.

Mr. Sawyer's resume is attached in Appendix II. Mr. Sawyer's career has been spent in law enforcement with a mixture of field and administrative experience. He joined the RCMP in 1950 and as his career progressed, held postings in such locations as Halifax, Regina, Ottawa, Ellesmere Island, Edmonton, North Battleford and Vancouver.

In 1972, he was approached by the City of Calgary to become its Chief of Police. He was appointed to that position in the fall of 1972 and has managed the Police Department in Calgary through a period of rapid expansion.

He has had extensive community involvement including acting as a Director of the Calgary Philharmonic, Trustee of the Calgary Zoo and Trustee and Chairman of the Burns Memorial Fund for Children. He was the founding Chairman of the ENVIROS, a wilderness school for delinquent boys and past Chairman of the Indian Metis Friendship Center in North Battleford, Saskatchewan.

He is an active sportsman with involvement in canoeing, cycling and cross country skiing.



Dr. David Carter, Chairman
on behalf of the
Special Committee to Search for and Select an Ombudsman

APPENDIX I

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OMBUDSMAN

LEGISLATIVE ASSEMBLY
ALBERTA

POSITION PROFILE

I. THE OMBUDSMAN ACT

In 1967, the Province of Alberta enacted legislation to establish the Office of Ombudsman. Alberta was the first jurisdiction in the Western Hemisphere to establish the role of Ombudsman and modeled the Office on the New Zealand experience. Section 2 of the Ombudsman Act states:

> 2(1) "There shall be appointed, as an officer of the Legislature, a commissioner for investigations to be called the Ombudsman".

The Ombudsman Act conferred upon the Ombudsman the authority to investigate any complaint relating to a matter of administration involving any department or agency of the Alberta Government. Over the years, the definition of agency has been changed so that the Ombudsman is now empowered to investigate any administration action of any body, all or a majority of whose members are appointed by legislation, or by order of the Lieutenant-Governor-in-Council (the Cabinet), a Minister of the Crown, or by any combination of these. In addition, the Ombudsman has the authority to investigate the administration of any corporation which is wholly owned by the Government of Alberta.

II. RELATIONSHIP TO THE LEGISLATIVE ASSEMBLY

The Ombudsman is an Officer of the Legislature. Communication with the Legislative Assembly occurs through the Select Standing Committee on Legislative Offices which was established in 1978 with responsibility for reviewing the operation of the Offices of the Ombudsman, the Auditor General and the Chief Electoral Officer.

The Select Standing Committee is comprised of members appointed from all parties in the Assembly. The Committee reviews the annual budget estimates; the reports issued by the Ombudsman, the operation of the Ombudsman's office and the salary paid to the Ombudsman. Should questions be raised regarding any of these matters, including issues raised on the Ombudsman's Special and Annual reports, the Chairman of the Select Standing Committee is in a position to advise the elected members. The Ombudsman meets with the Select Standing Committee during the year, as is necessary.

The Ombudsman may also liaise with individual members of the Assembly in relation to complaints lodged by constituents.

III. RESPONSIBILITIES

The major responsibilities of the Ombudsman are as follows:

1. Investigation

The Ombudsman is authorized to investigate almost any complaint against an Alberta Government department or agency, provided that the citizen has first attempted to resolve the problem. Section II(1) of the Ombudsman Act states:

> II(1) "It is the function and duty of the Ombudsman to investigate any decision or recommendation made, including any recommendation made to a Minister, or any act done or omitted, relating to a matter of administration and affecting any person or body of persons in his or its personal capacity, in or by any department or agency, or by any officer, employee or member thereof in the exercise of any power or function conferred on him by any enactment."

Official complaints to the Ombudsman must be made in writing, although information is frequently provided in response to oral complaints. All complaints are reviewed by the Ombudsman to ensure they are within his/her authority and are then assigned to a staff of senior investigators for review. All investigation reports are reviewed by the Ombudsman.

During the 1982 calendar year, 981 written complaints were received, representing a 17.6% increase over the 1981 calendar year.

While the primary focus of the Ombudsman's caseload comes as a result of complaints sent by citizens of the Province, he/she has also been given the authority to initiate an investigation on his/her own motion, without need of a complaint.

Investigations may also be conducted by the Ombudsman upon the referral of a Committee of the Legislative Assembly, or of a Minister of the Crown.

2. Resolution of Complaints

The Ombudsman is responsible for reviewing all investigation results and deciding on an appropriate course of action. If the Ombudsman's investigation finds that the citizen has been treated improperly or unfairly, he/she may make recommendations as to how the problem should be resolved. Under Section 20(3) of the Ombudsman Act such resolutions include:

"(a) that the matter should be referred to the appropriate authority for further consideration;

(b) that the omission should be rectified;

(c) that the decision should be cancelled or varied;

(d) that any practice on which the decision, recommendation, act or omission was based should be reconsidered;

(e) that any law on which the decision, recommendation, act or omission was based should be reconsidered;

(f) that reasons should have been given for the decision; or

(g) that any other steps should be taken;

the Ombudsman shall report his opinion and his reasons for it to the appropriate Minister and to the department or agency concerned, and may make any recommendations he thinks fit and in that case he may request the department or agency to notify him within a specified time of the steps, if any, that it proposes to take to give effect to his recommendations."

In summary, recommendations can be made to the Minister of the Department involved, the Executive Council and if necessary, to the Legislative Assembly. Usually, formal recommendations are not required, since departments and agencies are willing to resolve any justified complaint.

Complainants are informed of the results of investigations. If the Ombudsman feels that the actions of the department or agency were proper, the situation is explained to the citizen as well as the reasons why no further action is being taken.

During the 1982 year, 28.2% of complaints were found to be justified after investigation.

3. Management of Resources

The Ombudsman is responsible for a staff of 18 comprised of an executive assistant, solicitors, investigators, a manager of administration and support staff. The Ombudsman is responsible for the effective and efficient functioning of two offices, the central office in Edmonton and the Calgary office.

The Ombudsman is also responsible for overseeing the preparation and control of the Office budget. The total budget (manpower and operating) for the 1982/83 fiscal year was approximately $800,000.

4. Liaison and Education

The Ombudsman's duties in this area of responsibility are extensive and require considerable commitment in the course of fulfilling his/her mandate.

The Ombudsman, in the course of an investigation, consults with Ministers, Elected Officials, Senior Officials of Departments and government employees. The Ombudsman also meets with a wide variety of persons including complainants, interest groups, the academic community and other persons whom the Ombudsman may feel can be of assistance in resolving complaints.

The Ombudsman also meets with senior officials of government departments to discuss matters of a general nature and hear the general concerns of senior government managers.

The Ombudsman may be appointed as a Director of the International Ombudsman Institute which was formed in 1978 and is centered at the University of Alberta. The Institute represents Ombudsman throughout the world and convenes every second year in Edmonton. In other years the Institute meets in an international location. Through the Institute and travel the Ombudsman liaises with other Ombudsman in Canada and throughout the world.

The Ombudsman will advise persons with complaints outside of his/her jurisdiction as to other more appropriate sources of appeal.

V. THE PERSON

It is desirable that candidates for the position of Ombudsman possess the following:

1. Personal Qualifications

Wide experience in dealing with people from all walks of life.

Common sense, maturity, tact, patience, perseverance, fairness, integrity, tolerance and sound judgement.

Widely respected within their chosen career and in the community at large.

A high energy level and strong dedication to the Ombudsman's role.

2. Technical/Managerial Knowledge/Experience

Knowledge of Alberta and its people.

An understanding of the distinction between natural and legal justice.

A general knowledge and appreciation of the workings of a parliamentary system.

A practical knowledge of law and familiarity with investigatory procedures.

A knowledge of sound administrative and management practice.

3. Managerial Skills

A. Communication Skills

(a) Speaking ability

(b) Listening ability

(c) Writing ability

(d) Reading ability

B. Decision Making Skills
   (a) Analytical ability
   (b) Judgement
   (c) Decisiveness

C. Administrative Skills
   (a) Ability to plan and organize
   (b) Ability to delegate
   (c) Ability to control

D. Leadership/Personal Skills
   (a) Leadership
   (b) Flexibility
   (c) Interpersonal sensitivity
   (d) Initiative
   (e) Tolerance to stress
   (f) Public orientation

4. Academic Preparation

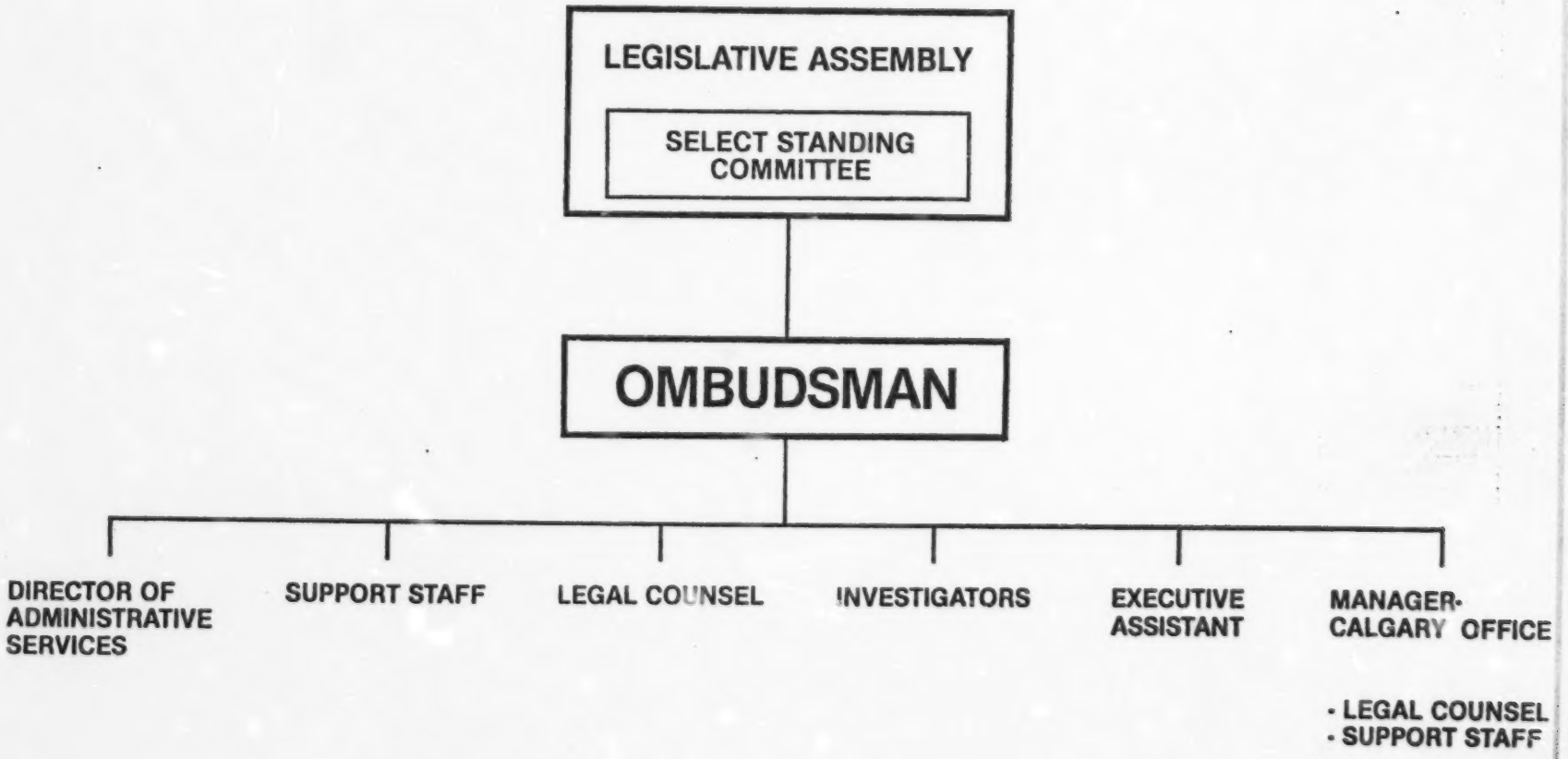
No particular academic background is preferred.

5. Legislative Requirements

Canadian Citizenship

The Ombudsman may not hold any office of trust or profit other than the Office of Ombudsman, or engage in any occupation for reward outside the duties of the Office.

ORGANIZATIONAL STRUCTURE



TOTAL STAFF - 18

OMBUDSMAN

Canadians who have earned respect and recognition in their chosen field and the community at large are invited to apply for the position of Ombudsman for the Province of Alberta.

The Ombudsman is charged with the responsibility under the Ombudsman Act to investigate the complaint of any person who believes they have suffered an injustice through the actions or decisions of Departments, Agencies or Officials of the Government of Alberta. The Ombudsman carries out his/her duties through the management of a small group of professional and support staff and reports on the results of investigations to the Legislature.

The demands of this position require attributes that go beyond a specific discipline or academic achievement. It is desirable that the Ombudsman possess:

- Wide experience in dealing with people from all walks of life.
- Knowledge of Alberta and its people.
- Common sense, maturity, tact, patience, perseverance, fairness, integrity, tolerance and sound judgement.
- An understanding of the distinction between natural and legal justice.
- A general knowledge and appreciation of the workings of the parliamentary system.
- Strong communication skills.
- A practical knowledge of law and familiarity with investigatory procedures.
- A knowledge of sound administrative and management practice.
- A high energy level and strong dedication to the Ombudsman role.

The Ombudsman is appointed to a 5 year term and may be reappointed.

Salary is dependent on qualifications and experience.

Early applications are requested as it is anticipated an appointment will be made by early spring, 1984.
Please address resumes or inquiries to:

Chairman, Ombudsman Selection Committee, Room 313,
Legislature Building, Edmonton, Alberta T5K 2B6

Selection Committee

Chairman:
Dr. D.J. Carter, MLA, Calgary-Egmont

Vice Chairman:
Mr. J.E. Miller, MLA, Lloydminster

Members:
Mr. A. Hiebert, MLA, Edmonton-Gold Bar
Mr. W.G. Notley, MLA, Spirit River-Fairview
Mr. J. Thompson, MLA, Cardston

LEGISLATIVE ASSEMBLY

ALBERTA

SPECIAL COMMITTEE

TO

SEARCH FOR AND SELECT AN OMBUDSMAN

BUDGET ESTIMATES

Manpower - .25 man year	$ 5,000
Advertising	35,000
Printing	1,000
Freight & Postage	1,000
Telephone & Telecommunications	500
Daily Indemnities	16,000
Travel	25,000
TOTAL	$ 83,500

Revised: January 17, 1984

SPECIAL COMMITTEE

TO

SEARCH FOR AND SELECT AN OMBUDSMAN

ACTUAL EXPENDITURES

Advertising	$ 26,436.33
Stationery Supplies	166.75
Committee Expense Claims	7,590.06
Meal Expenses	498.25
Air Fares for Committee Members	690.00
Interview Expenses (bringing candidates to Edmonton for interview)	4,485.78
	$ 39,867.17

As of April 30, 1984

RESUME — BRIAN SAWYER — FEBRUARY, 1984.

Since May, 1951, I have been involved in police work as an investigator, instructor, field commander and administrator. It is that background which I have examined against your criteria.

For example, you ask for:	Please consider that:
• wide experience in dealing with people	• I've spent a lifetime dealing with victims and criminals; with businessmen and bureaucrats; with new Canadians and native Canadians.
• knowledge of Alberta and its people	• I have lived and worked for 2 years in Edmonton, 11 years in Calgary, 20 years on the Prairies.
• an understanding of the difference between natural and legal justice	• the wise exercise of discretion is the hallmark of any successful peace officer. I preach it and I practice it.
• a general knowledge of .... the parliamentary system	• I studied the subject in university and, though apolitical, stay current because I have an abiding interest in the system.
• strong communication skills	• apart from the daily writing and verbal skills required by my present position, including constant contact with the media, I regularly speak in public to a variety of interested groups such as service clubs, community organizations and academics.
• practical knowledge of law and investigatory procedures	• responsibility and interest require that I stay current on major investigations in Calgary, with emphasis on ensuring that complaints against the police are investigated thoroughly and promptly.
• knowledge of sound administrative and management practice	• more than half my police career has been spent as an administrator with, I believe, a proven track record.
• a high energy level and dedication to the Ombudsman role	• at 53 years of age, my health is excellent. I am deeply committed to the principle that people deserve a fair hearing, whether they are the victims of bureaucracy or, as is often the case, bureaucrats who are unjustly accused. I consider myself to be sensitive, but not cynical.

continued ....

Resume (continued)

The only attribute in your advertisement which I do not comment on is the one requiring common sense, tact, fairness, sound judgement and so forth. It's a formidable list, and while I believe I exhibit these qualities most of the time, I'd prefer that you check with someone who knows me, such as:

Mr. W.A. Howard, Q.C.
c/o Howard Mackie,
232-9500 (Calgary)

Mr. J. Major, Q.C.,
c/o Bennett Jones,
298-3100 (Calgary)

Biographical Data:

Born in Montreal on December 04, 1930.

Marital Status - Legally separated, father of three children, ages 18, 16 and 13.

Education - Bachelor of Commerce from Sir George Williams (now Concordia) University, 1960.

- Numerous professional and management courses including:

Canadian Police College, Regina, 1964.
The Managerial Grid (Blake/Mouton), Tucson, 1973.
The F.B.I.'s National Executive Institute, Quantica, VA, 1981.

Police Background - Served twenty-two years in the Royal Canadian Mounted Police, in six provinces and the Northwest Territories. Performed a wide variety of assignments (investigator, instructor, administrator) at different levels, eventually attained rank of Superintendent in 1970. Recruited, in 1972, to be Chief of Police in Calgary.

Outside Activities - Was founding Chairman of ENVIROS, a wilderness school for delinquent boys. Past Chairman of the Indian-Metis Friendship Center in North Battleford, Sask. Currently founding Chairman of the "Victims of Crime" Committee of the Canadian Association of Chiefs of Police and a Director of the Police Executive Research Forum, Washington, D.C. Past Director of the Calgary Philharmonic. Trustee of the Calgary Zoo (Past Chairman, Building Committee). Trustee and Chairman of the (Senator Patrick) Burns Memorial Fund for Children.

Other Interests - Music, photography and individual sports such as canoeing, cycling, cross country skiing.